

ESTTA Tracking number: **ESTTA621932**

Filing date: **08/18/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204507
Party	Plaintiff Fresenius SE & Co. KGaA and Fresenius Medical Care Deutschland GmbH
Correspondence Address	SCOTT D WOLDOW SMITH GAMBRELL AND RUSSELL LLP 1055 THOMAS JEFFERSON ST. NW, SUITE 400 WASHINGTON, DC 20007 UNITED STATES SWOLDOW@sgrlaw.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Scott D. Woldow
Filer's e-mail	swoldow@sgrlaw.com
Signature	/SW/
Date	08/18/2014
Attachments	TRADEMARK 2.PDF(93862 bytes)

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Proceeding.	91204507
Applicant	Plaintiff Fresenius SE & Co. KGaA and Fresenius Medical Care Deutschland GmbH
Other Party	Defendant Hochschule Fresenius gemeinnützige GmbH
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	Yes

Motion for Suspension for Settlement With Consent

The parties are actively engaged in negotiations for the settlement of this matter. Fresenius SE & Co. KGaA and Fresenius Medical Care Deutschland GmbH request that this proceeding be suspended for 90 days to allow the parties to continue their settlement efforts.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosures Due :	11/25/2014
Discovery Period to Close :	12/25/2014
Plaintiff Pretrial Disclosures :	02/08/2015
Plaintiff's 30-day Trial Period Ends :	03/25/2015
Defendant's Pretrial Disclosures :	04/09/2015
Defendant's 30-day Trial Period ends :	05/24/2015
Plaintiff's Rebuttal Disclosures :	06/08/2015

Fresenius SE & Co. KGaA and Fresenius Medical Care Deutschland GmbH have secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Hochschule Fresenius gemeinnützige GmbH joins in this Motion and agrees to the suspension and resetting of dates requested herein.

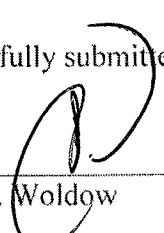
The parties have made progress in their settlement discussions. The parties are circulating a revised Settlement Agreement where the primary issue is the amended wording in International Class 41. The parties continue to discuss potential resolutions to all remaining issues.

The parties have reduced the current suspension period to three months. The parties will endeavor to resolve the remaining issues and circulate the Agreement for signing within this shortened time period.

Fresenius SE & Co. KGaA and Fresenius Medical Care Deutschland GmbH have provided an email address herewith so that any order on this motion may be issued electronically by the Board.

Hochschule Fresenius gemeinnützige GmbH has provided an email address herewith.

Respectfully submitted,



Scott D. Woldow

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District of Columbia Bar Member
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Date:

August 18, 2014

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael L. Dunn", written over a horizontal line.

Michael L. Dunn

Attorney for Applicant
New York State Bar Member
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, New York 14221
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Facsimile No.: 716-626-0366

Date: August 18, 2014

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully Submitted,

/SW/

Scott D. Woldow

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